

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----x 15-CV-00936 (JTC)

ELAINE S. WENDEL,

Plaintiff

-against-

NOTICE OF MOTION TO
DISMISS COMPLAINT FOR
FAILURE TO STATE A
CAUSE OF ACTION

MULLOOLY, JEFFREY, ROONEY & FLYNN,
LLP,

Defendant

-----x

PLEASE TAKE NOTICE that the Defendant Mullooly, Jeffrey, Rooney & Flynn, LLP, by its undersigned counsel, upon all of the pleadings and proceedings had herein to date and upon the accompanying Brief in support thereof, will move this Court before the Honorable John T. Curtin at the United States Courthouse, United States District Court for the Western District of New York, 2 Niagra Square, Buffalo, New York, at a date and time to be set by the Court, for an Order dismissing the Plaintiff's Complaint in its entirety for failure to state a cause of action pursuant to Fed. R. Civ. P. 12(b)(6).

DATED: December 3, 2015
New York, New York

ROBERT L. ARLEO, ESQ. P.C.

BY: /s/ Robert L. Arleo

Attorney for the Defendant

380 Lexington Avenue, 17th Fl.

New York, New York 10168

Phone: (212) 551-1115

Fax: (518) 751-1801

robertarleo@gmail.com

TO: LAW OFFICES OF KENNETH HILLER, PLLC

6000 N. Baily Avenue

Ste. 1A

Amherst, New York 14226